REMARKS

Claims 1-12 are pending prior to entering this amendment. The Examiner rejects claims 7-12 under 35 U.S.C 102(b) as being anticipated by Loeb et al. (U.S. Patent 5,571,148).

Applicants cancel claims 1-6.

Claims 7-12 remain in the case after entering this amendment.

Applicants add no new matter and request reconsideration.

Canceled Claims

Applicants previously elected, without traverse, claims 7-12 for continued prosecution and here cancel claims 1-6 as being drawn to a non-elected invention.

Claim Rejections under 35 USC § 102

The Examiner rejects claims 7-12 as old over Loeb. Applicants disagree for the reasons that follow.

Claim 1 recites *that the modulated signal is electrically applied to the cochlea*. That is, the cochlea is directly stimulated with the modulated signal itself.

In contrast, Loeb discloses an implantable multi-channel stimulator that includes an external processor 60. Loeb's external processor 60 drives an external coil 56 with an appropriate modulated power signal, e.g., a carrier signal of between 100-5000 KHz.

Decode logic 82 receives "signal components" present in each frequency band through appropriate driver circuits. These signal components are "audio signals amplified in an amplifier 76 and then separated, using appropriate band pass filter (BPF) circuits 78a, 78b, ..., 78n." Loeb, column 11, lines 48-65. "The address words are then used to modulate the power signal. The modulated power signal is then applied to the external coil 56" Loeb, column 12, lines 18-20.

"The power associated with the modulated signal is then inductively coupled into the coils 30 of each microstimulator." Loeb, column 12, lines 20-22.

And notably, the "address words are recovered through demodulation, and are thereafter used to trigger appropriate ones of the microstimulators." Loeb, column 12, lines 22-25. The triggered microstimulator stimulates the auditory nerve with "audio signals." Loeb, column 12, line 37. The "cochlea is stimulated through multiple channels, as a

function of the frequency components of a sensed audio signal, thereby providing an implantable, multichannel cochlear prosthesis." Loeb, column 12, lines 55-59.

In Loeb, it is the address words "recovered through demodulation" that determine the stimulus applied to the cochlea. Loeb, therefore, does not apply the modulated signal — including a carrier signal *having a frequency greater than 20 kHz*— directly to the cochlea as recited.

Conclusion

The Applicants request allowance of all claims as amended. The Applicants encourage the Examiner to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile number (703) 872-9306, on June 7, 2005.

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